



# City of Ringgold

150 Tennessee Street  
Ringgold, GA 30736

Office (706) 935-3061  
Fax (706) 965-7446

## ETHICS COMPLAINT FORM

Pursuant to Sec. 2-164 of the City of Ringgold, Georgia Ethics Ordinance No. 2013-0610-02 ("Code of Ethics), this form **MUST** be used to report alleged violations of any portion of the Ethics Ordinance. Failure to provide the information requested could result in the dismissal of the complaint. Please type or print legibly in ink.

When completed the form must be submitted to the Clerk of the Municipal Court of the City of Ringgold whose office is located at: Ringgold City Hall, 150 Tennessee St., Ringgold, GA 30736. (In the event the Clerk of the Municipal Court is the subject of this Complaint, the Complaint must be submitted to the City Manager, whose office is located at Ringgold City Hall, 150 Tennessee Street, Ringgold, GA 30736.

### COMPLAINANT INFORMATION

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**ALLEGED VIOLATOR**

**(Note: A separate ethics complaint must be filed for each person alleged to have engaged in any activity violating the Ethics Ordinance even if the allegations arise from the same factual basis.)**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ALLEGED VIOLATIONS**

**Identify each of the specific provisions of the Ethics Ordinance alleged to have been violated by the Alleged Violator named above. (Ethics Ordinance, Sec. 2-160. Standards of Conduct).**

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

D. \_\_\_\_\_

E. \_\_\_\_\_

F. \_\_\_\_\_

If additional specific provisions are alleged to have been violated, please attach a supplemental list identifying the additional specific provisions)

For each of the specific provisions identified above (and in any supplemental list attached to this Complaint), provide a separate statement of all relevant facts, including the dates and/or time periods upon which the alleged violation occurred. (Note: Ethics Complaints must be filed within six (6) months of the date the alleged violation is said to have occurred, or in the case of concealment or nondisclosure, within six (6) months of the date of the alleged violation was or should have been discovered by the Complainant after due diligence.

The statement may be typed or printed in the space provided below, or it may be included in a separate attached document. If more than one specific provision of the Ethics Ordinance is alleged to have been violated, either this page may be copied and attached, or additional pages may be attached in order to describe each of the sections alleged to have been violated separately.

(NOTE: Each fact included in the statement must be supported by affidavits based on personal knowledge and that affirmatively show that the individual providing the affidavit is competent to testify to the matters stated therein.

Provision Alleged to Have Been Violated: \_\_\_\_\_

Date(s) of Alleged Violation: \_\_\_\_\_

Facts Supporting Alleged Violation: \_\_\_\_\_

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**WITNESSES:**

**Identify the name, address, and phone number of any persons who may be called as witnesses to substantiate, corroborate or prove the allegations(s) contained in this Complaint, if any.**

Witness Name: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

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\_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

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Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

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Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

**SUPPORTING MATERIALS:**

List all materials (including documents, recordings, transcripts, affidavits, etc.) that may be relied on to support and prove the alleged violation(s) identified above. If extra pages are needed, copy this page and attach it to this Complaint. Attach a copy of all listed materials to this Complaint.

1 \_\_\_\_\_

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**(Note: If the Clerk of the Municipal Court determines that this Complaint fails on its face to comply with Sec. 2-164 Receipt and Service of Complaints of the Ethics Ordinance, and notifies the Complainant in writing of a defect via certified mail, return receipt requested, the Complainant shall have five (5) business days from receipt of the notification of defect from the Clerk of the Municipal Court to cure any defects that may be cured and re-submit the ethics complaint. If an ethics complaint is not re-submitted within the allotted time period, the City and the Clerk of the Municipal Court shall take no further action on the ethics complaint.**

**SIGNATURE**

**(Must be Notarized – Ethics Ordinance Sec 2-164(b))**

**I have read the ethics complaint and aver that the facts contained therein are true to the best of my knowledge and belief, and I am aware that the Ethics Ordinance authorizes the imposition of penalties against me for filing a frivolous complaint, including without limitation, payment of costs and attorney's fees associated with the handling and processing of the ethics complaint, and/or all other penalties applicable under the law.**

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Complainant's Signature

Date

**NOTARY PUBLIC:**

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Notary Seal)

CITY OF RINGGOLD  
STATE OF GEORGIA

ORDINANCE NO.: 2013-0610-02

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY AMENDING ARTICLE III OF CHAPTER 2 CAPTIONED "OFFICERS AND EMPLOYEES" BY STRIKING, DELETING AND REPEALING DIVISION 2 CAPTIONED "CODE OF ETHICS" IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW DIVISION 2 CAPTIONED "CODE OF ETHICS"; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE, AND FOR OTHER PURPOSES ALLOWED BY LAW.

**WHEREAS**, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Ringgold, Georgia; and

**WHEREAS**, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Council thereof.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA AS FOLLOWS:**

**Section 1.**

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Article III of Chapter 2 captioned "Officers and Employees" by striking, deleting and repealing Division 2 captioned "Code of Ethics" in its entirety and substituting in lieu thereof a new Division 2 captioned "Code of Ethics" which shall read as follows:

**Division 2. Code of Ethics.**

**Sec. 2-156. - Findings.**

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed.

All government, of right, originates with the people, is founded upon their will only; and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people and are at all times amenable to them. Ga. Const. Art. 1. Sec. 2, Paragraph 1.

The people of this state have the inherent right of regulating their internal government. Government is instituted for the protection, security and benefit of the people; and at all times, they have the right to alter or reform the same, whenever the public good may require it. Ga. Const. Art. 1, Sec. 2, Paragraph 2.

The people have a right to expect that every public official will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents.

Such confidence and respect can best be promoted if every public official, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness, and equality under the law; and (b) avoid conflicts between their private self-interest and the public interest.

**Sec. 2-157. - Purpose.**

*Declaration of policy.* It is the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials is adopted by ordinance.

This code has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials;
- (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions which are incompatible with the best interest of the city;
- (3) To require disclosure by such officials of private financial or other interest in matters which may affect the city; and
- (4) To serve as a basis for disciplining those who refuse to abide by its terms. The provisions of this division shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns or the conduct of candidates in such campaigns.

**Sec. 2-158. - Scope of persons covered.**

The provisions of the code of ethics shall be applicable to all city officials.

**Sec. 2-159. - Definitions.**

As used in this division, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

*City official* or *officials*, unless otherwise expressly defined, means the mayor, members of the city council, municipal court judges (including substitute judges), city manager, assistant city managers, city clerk, deputy city clerks, whether such person is salaried, hired or elected, and all other persons holding positions designated by the City Charter, as it may be amended from time to time. City official, unless otherwise expressly defined, includes individuals appointed by the mayor and city council to all city commissions, committees, boards, task forces, or other city bodies unless specifically exempted from this division by the city council.



*Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board, as well as the discussions or deliberations of the council, board or commission, which can or may lead to a voter or formal action by that body.

*Discretionary authority* means the power to exercise any judgment in a decision or action.

*Entity* means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

*Immediate family* means spouse, mother, father, brother, sister, son or daughter of any city official.

*Incidental interest* means an interest in a person, entity or property which is not a substantial interest and which has insignificant value.

*Prohibitions.* No member of the governing authority shall:

- (1) By conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official acts;
- (2) Directly or indirectly request, exact, receive or agree to receive a gift, loan, favor, promise, or thing of value for him/herself or another person if it could reasonably be considered to influence the member in the discharge of official duties;
- (3) Disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person's private gain;
- (4) Use his/her official position to attempt to secure privileges that are not available to the general public;

Prohibition (2) of this section shall not apply in the case of:

- (1) An occasional non-pecuniary gift of insignificant value;
- (2) An award publicly presented in recognition of public service;
- (3) Campaign contributions made and reported in accordance with Georgia law.

*Remote interest* means an interest of a person or entity, including a city official, who would be affected in the same way as the general public. The interest of a council member in the property tax rate, general city fees, city utility charges, or a comprehensive zoning ordinance or similar decision is incidental to the extent that the council member would be affected in common with the general public.

*Substantial interest* means a known interest, either directly or through a member of the immediate family, in another person or entity:

- (1) The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
- (2) Funds received by the person from the other person or entity either during the previous 12 months or the previous calendar year equaled or exceeded \$5,000.00 in salary, bonuses, commissions, or professional fees or \$5,000.00 in payment for

goods, products or nonprofessional services, or ten percent of the recipient's gross income during that period, whichever is less;

- (3) The person serves as a corporate officer or member of the board of directors or other governing board of the for profit entity other than a corporate entity owned or created by the city council; or
- (4) The person is a creditor debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more. Substantial interest in real property means an interest in real property which is an equitable or legal ownership with a market value of \$5,000.00 or more.

**Sec. 2-160. - Standards of conduct.**

- (a) No city official shall use such position to secure special privileges or exemptions for such person or others, or to secure confidential information for any purpose other than official responsibilities.
- (b) No city official, in any matter before the council, board or commission in which he has a substantial interest, shall fail to disclose for the common good for the record such interest prior to any discussion or vote.
- (c) No city official shall act as an agent or attorney for another in any matter before the city council or any board or commission.
- (d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or preceding connected with, or related to, the duties of his office, which has a value of over \$100.00.
- (e) No city official shall enter into any contract with the city, except as specifically authorized by state statutes. Any city official who has a proprietary interest in an agency doing business with the city shall make known that interest in writing to the mayor and council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with Georgia law.
- (h) No city official shall solicit or accept other employment to be performed or compensation to be received while still a city official or employee, if the employment or compensation could reasonably be expected to impair judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise or make a recommendation, the official shall disclose the fact to the board or commission on which he serves or to his supervisor and shall take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

- (k) No city official or employee shall grant or make available to any person and consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

**Sec. 2-161. - Conflict of interest.**

*Prohibition of conflict of interest.* A city official may not participate in a vote or decision on a matter affecting a person, entity or property in which the official or employee has a substantial interest; in addition, a city official or employee who serves as a corporate officer or member of the board of directors of a non-profit entity may not participate in a vote or decision regarding funding by the or through the city of the entity. Where the interest of a city official or employee in the subject matter of a vote or decision is remote or incidental, the city official or employee may participate in the vote or decision and need not disclose the interest.

**Sec. 2-162. - Exemptions.**

This Code of Ethics shall not be construed to require the filing of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service or governmental agency, and which is not engaged in the ownership or conduct of a business enterprise or governmental agency.

**Sec. 2-163.- Board of Ethics.**

- (a) A Board of Ethics (the "Board") is hereby established to act as provided below with respect to complaints that allege a violation of this division by a city official.
- (b) The Board shall consist of three (3) residents of the city, one appointed by the mayor, one appointed by the council, and the third appointed by the two named Board members. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia or a judge currently presiding over a court within Catoosa County. The attorney/judge member shall be the chairperson of the Board. To the extent practicable, the city clerk shall provide the mayoral and council appointments with a list of eligible attorneys and judges.
- (c) All members of the Board shall be residents of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.
- (d) All members of the Board shall serve a three (3) year term with members serving staggered terms until their successors are appointed. The initial mayoral appointment shall be for one (1) year, the initial council appointment shall be for two (2) years, and the initial appointment of the attorney/judge member shall be for three (3) years. All appointments after the initial appointments shall be for three (3) years.

- (e) No person shall serve as a member of the Board if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the city.
- (f) Members of the Board with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official charged in the complaint shall be disqualified from serving on the Board for that complaint. An alternate member of the Board shall be selected in the same manner as the disqualified individual.
- (g) The members of the Board shall serve without compensation. The mayor and council shall provide meeting space for the Board and, subject to budgetary procedures and requirements of the city, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.
- (h) No person shall serve on the Board who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.
- (i) No person shall serve on the Board who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board, or who is not qualified to be a registered voter in the City of Ringgold.
- (j) Upon appointment, members of the Board shall sign an affidavit attesting to their qualification to serve as a member of the Board.
- (k) Members of the Board may be removed by majority vote of the mayor and council.

**Sec. 2-164. - Receipt and Service of Complaints.**

- (a) All complaints against city officials shall be filed with the clerk of the municipal court of the City of Ringgold. Upon receipt of a complaint in proper form, the municipal court clerk shall serve a copy of the complaint to the city official or officials charged in the complaint within no more than seven (7) calendar days by personal service, by certified mail, return receipt requested, or by statutory overnight delivery.
- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this division.
- (c) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and council. The Board is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and council; provided, however, that a

rejection of such complaint by the Board shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the Board is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

- (d) Upon completion of its investigation of a complaint, the Board is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and council; provided, however, that a rejection of such complaint by the Board shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (e) The Board is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The Board is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (g) Any final determination resulting from the ethics hearing shall include written findings of fact and conclusions of law. In reaching its decision on the ethics complaint, the Board shall decide if clear and convincing evidence presented at the ethics hearing establishes a violation of this division. Findings of the Board of Ethics shall be submitted to the mayor and council for action.
- (h) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted and cases will not be heard against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

#### **Sec. 2-165. - Hearing on the Complaint.**

A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board shall conduct hearings in accordance with the procedures and regulations it establishes, but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the Board shall be rendered to mayor and council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board, the city official, who is the subject of inquiry, shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official, subject to the inquiry, shall have also have the right, but not the obligation, of submitting evidence and calling witnesses. Failure to comply with any of the time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint, or in any

way affect the power or jurisdiction of the Board or the mayor and council to act upon any complaint.

**Sec. 2-166. - Disciplinary action**

- (a) Upon a determination that a city official has violated this division, the Board shall recommend to the mayor and council that the city impose any combination of the following penalties and actions:
  - (1) No further action;
  - (2) Written warning, censure, or reprimand;
  - (3) Request for resignation from office;
  - (4) Removal from office to the extent provided by Georgia law; and
  - (5) Repayment to the city of any unjust enrichment.
- (b) The mayor and council shall retain the discretion to determine whether any recommendation presented by the ethics panel under subsection (a) shall be imposed. In exercising this discretion, the mayor and council shall not be bound by the recommendation of the ethics panel and may impose any combination of the penalties listed in the relevant section. This discretion shall not entitle the mayor and council to override a determination by the Board that a violation has occurred.
- (c) In addition to any other remedy provided herein, upon determination of a violation of this division, the Board may recommend to the mayor and council in writing that any contract, bid, or change order that was the subject of the violation be cancelled or rescinded. The mayor and council shall retain the discretion to determine whether such a cancellation or rescission would be in the best interest of the city and shall not be bound in any way by a recommendation of the Board.
- (d) In addition to any other remedy provided herein, the Board may also forward its written decision to the District Attorney for the Lookout Mountain Judicial Circuit and/or the Office of the Governor for appropriate action.

**Sec. 2-519. - Right to Appeal.**

- (a) Any city official or complainant adversely affected by the findings or recommendations of the Board may obtain judicial review of such decision as provided in this division.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Catoosa County within thirty (30) days after the decision of the Board. The filing of such application shall act as supersedeas.

**Section 2.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3.**

It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

**Section 4.**

The adoption date of this Ordinance shall be June 10, 2013. The effective date of this Ordinance is the same as the adoption date.

**SO ORDAINED**, this 10th day of June, 2013.

**CITY OF RINGGOLD, GEORGIA**

\_\_\_\_\_  
**JOE BARGER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**JUDY PACE, CITY CLERK**